

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

SEP 15 2006

Michael N. Milby
Clerk of Court

LUIS ALEJANDRO GARZA

§

VS.

§

THE UNITED STATES OF
AMERICA

§

§

§

CIVIL ACTION NO. B-02-154
FEDERAL TORT CLAIMS ACT

**PLAINTIFF'S MOTION FOR GOVERNMENT TO PRODUCE
INMATE WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LUIS ALEJANDRO GARZA, Plaintiff in the above-entitled and numbered cause, and moves this court to order the government to produce certain witnesses who are inmates in federal correctional institutions, and in support thereof would respectfully show as follows:

1.

Most of the witnesses to the assault on Plaintiff at the Three Rivers facility were inmates. Plaintiff requests that the U. S. Marshall be instructed to produce the following inmates for trial:

1. Plaintiff, Luis A. Garza #92434-079, thought to be at El Reno, OK.
2. Anibal Cabrera-Piris #93405-079, thought to be at Allenwood, PA.
3. Antonio DeWayne Frazier #4622-079, thought to be at Three Rivers, Texas.
4. Jose Luis Guzman-Posos #86842-074, thought to be at Three Rivers, Texas.
5. George E. Hayes #03996-025, thought to be at Texarkana, Texas.

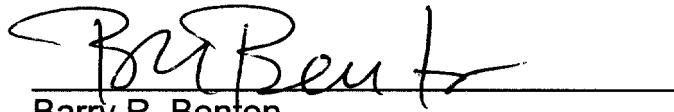
6. Robert Hammons #29501-077, thought to be at Beaumont, Texas.
7. John Gomez #05760-080, thought to be at Texarkana, Texas.
8. Manuel Montemayor #84122-079, thought to be at Yazoo City, MI.
9. Alfonso Martinez #85652-079, thought to be at Beaumont, Texas.
10. Juan Humberto Munoz #33093-079, whereabouts unknown.
11. Cesar Cisneros #82044-079, whereabouts unknown.

Attached hereto as Exhibit 1 are 28 pages of statements of most of these witnesses, indicating that they have relevant knowledge as to the assault, and whether or not the lone recreational specialist, Debra Romero, was patrolling the yard, as required, prior to the assault on Plaintiff.

2.

WHEREFORE, Plaintiff prays that these witnesses be produced by the government., and for such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,


Barry R. Benton
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Brownsville, Texas 78520
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State Bar No. 02176500
Federal I.D. No. 3968

**ATTORNEY FOR PLAINTIFF
LUIS ALEJANDRO GARZA**

CERTIFICATE OF CONFERENCE

I CERTIFY that an attempt has been made to resolve the matters described in the foregoing motion without the necessity of Court intervention and same has failed.



BARRY R. BENTON

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the above and foregoing PLAINTIFF'S MOTION FOR THE GOVERNMENT TO PRODUCE INMATE WITNESSES has been hand-delivered to attorney of record, to wit:

Via Hand Delivery

Ms. Nancy L. Masso
Assistant United States Attorney
600 E. Harrison Street, #201
Brownsville, Texas 78520

on this 13th day of September, 2006.



BARRY R. BENTON